Chapter 1

Functions and Jurisdiction

1.1 Established by The Ombudsman Ordinance ("the Ordinance"), Cap 397 of the Laws of Hong Kong, the Office of The Ombudsman is the city's independent watchdog of public administration. It investigates actions by Government departments and public bodies for administrative deficiencies and recommends remedial measures. In this context, it fosters good public administration that is fair, open, accountable and responsive.

Jurisdiction

1.2 The Ombudsman has powers to investigate complaints of maladministration by Government departments and public bodies listed in Part I of Schedule 1 to the Ordinance (see **Annex 1**). The Ombudsman may also, in the absence of complaints, initiate direct investigation into significant issues and areas of systemic maladministration.

1.3 Broadly speaking, "maladministration" means poor, inefficient or improper administration including unreasonable conduct; abuse of power or authority; unreasonable, unjust, oppressive or improperly discriminatory procedures and delay; discourtesy and lack of consideration for others.

1.4 The Hong Kong Police Force, the Independent Commission Against Corruption and three other organisations in Part II of Schedule 1 to the Ordinance (see **Annex 1**) are not subject to investigation, except for cases of non-compliance with the Code on Access to Information[1].

[1] The Code was introduced in 1995 to make available as much Government-held information as possible to the public, unless there are valid reasons – related to public, private or commercial interests – to withhold it. It applies to all Government departments, the Independent Commission Against Corruption and the Hong Kong Monetary Authority.

Actions Not for Investigation

1.5 The Ombudsman's purview is not without prohibition. Cases related *inter alia* to legal proceedings or prosecution decisions, contractual and other commercial transactions, personnel matters and imposition or variation of conditions of land grant are out of bounds. A full list of such prohibitions is at **Annex 2**.

Restrictions

1.6 The Ordinance also prescribes other circumstances under which The Ombudsman shall not conduct an investigation: for example, the complainant has had knowledge of the subject of complaint for over two years, is anonymous, or is not the person aggrieved or a suitable representative of that person. Such restrictions are detailed at **Annex 2**.

1.7 Nevertheless, in some cases, The Ombudsman may exercise discretion whether or not to conduct, or to discontinue, an investigation. A case may be taken up, for instance, if the complainant is able to explain satisfactorily why the complaint could not have been lodged within two years.

Jurisdictional Review

1.8 Our office has in the past two years conducted a comprehensive review of our jurisdiction. Details are given in **paras. 4.26 – 4.27** of Chapter 4.